

011006

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>SERVIER 479 PCT</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/564139</b>
INTERNATIONAL APPLICATION NO. <b>FR2004 001867</b>	INTERNATIONAL FILING DATE <b>July 16, 2004</b>	PRIORITY DATE CLAIMED <b>July 17, 2003</b>

**TITLE OF INVENTION**  
**Pharmaceutical composition for the administration of piribedial by the nasal route.**

**APPLICANT(S) FOR DO/EO/US**  
**Herve ROLLAND & Patrick WUTHRICH**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
  3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
  4. ☐ The US has been elected (Article 31).
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
    - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☒ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☒ is attached hereto.
    - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
  10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
  11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
  12. ☒ A copy of the International Search Report (PCT/ISA/210).
- Items 13 to 23 below concern document(s) or information included:**
13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  15. ☒ A **FIRST** preliminary amendment.
  16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  17. ☐ A substitute specification.
  18. ☒ A power of attorney and/or change of address letter.
  19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
  20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
  21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
  22. ☒ Express Mail Label No. **EV 757927961 US**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/564139</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold;">FR2004 001867</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold;">SERVIER 479 PCT</div>
23. Other items or information: <div style="margin-left: 20px;"> <b>FORM PTO 1449</b>  <b>Claim to Foreign Priority benefits under 35 USC § 119</b>  <b>Certified Copy of French Priority 0308712 and translation thereof</b> </div>		
The following fees have been submitted:		CALCULATIONS      PTO USE
24. <input checked="" type="checkbox"/> Basic national fee .....	<b>\$300</b>	\$ <b>\$300.00</b>
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article as an International Searching Authority .....	<b>\$0</b> <b>\$200</b>	\$ <b>\$200.00</b>
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. . . . . International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. . . . . All other situations. . . . .	<b>\$0</b> <b>\$100</b> <b>\$400</b> <b>\$500</b>	\$ <b>\$500.00</b>
<b>TOTAL OF 24, 25 and 26 =</b>		\$ <b>\$1,000.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets      Extra Sheets      Number of each additional 50 or fraction thereof (round up to a whole)      RATE		
7      - 100 =      0      /50 =      0      x      \$250.00		\$ <b>\$0.00</b>
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS      NUMBER FILED      NUMBER EXTRA      RATE		
Total claims      6      - 20 =      0      x      \$50.00		\$ <b>\$0.00</b>
Independent claims      1      - 3 =      0      x      \$200.00		\$ <b>\$0.00</b>
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +      \$360.00		\$ <b>\$0.00</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ <b>\$1,000.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ <b>\$0.00</b>
<b>SUBTOTAL =</b>		\$ <b>\$1,000.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ <b>\$0.00</b>
<b>TOTAL NATIONAL FEE =</b>		\$ <b>\$1,000.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$ <b>\$0.00</b>
<b>TOTAL FEES ENCLOSED =</b>		\$ <b>\$1,000.00</b>
Amount to be		\$
Amount to be		\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

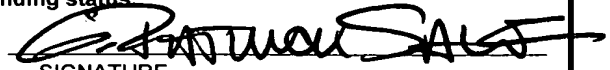
- a. ☒ A check in the amount of \$ \$1,000.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3220. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**THE FIRM OF HUESCHEN AND SAGE  
SEVENTH FLOOR, KALAMAZOO BUILDING  
107 WEST MICHIGAN AVENUE  
KALAMAZOO, MI 49007**

**CUSTOMER NUMBER: 25,666**

  
SIGNATURE  
G. PATRICK SAGE  
NAME  
37,710  
REGISTRATION NUMBER  
10 January 2006  
DATE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Herve ROLLAND, et al.

Docket No. 10/564139

SERVIER 479 PCT

Application No.

Filing Date

Examiner

Customer No.

Group Art Unit

Invention: **PHARMACEUTICAL COMPOSITION FOR THE ADMINISTRATION OF PIRIBEDIL BY THE NASAL ROUTE.**

I hereby certify that the following correspondence:

**Certified translation of International Patent Application PCT2004 001867 (7 pgs.), Transmittal Letter, Declaration / Power of Attorney, ISR, Form PTO 1449, Listing of claims, Preliminary Amendment, Certified copy of French Application 03.08712 and Translation thereof, and check no.74147 for \$1000.00**

*(Identify type of correspondence)*

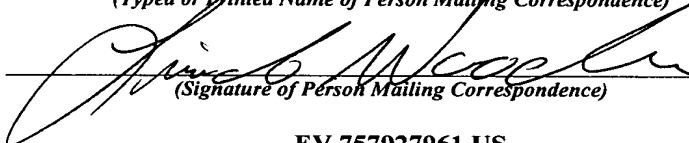
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 10, 2006

*(Date)*

Linda Wooden

*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

EV 757927961 US

*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**I, ADRIAN PAUL BROWN, M.A., M.I.L., M.I.T.I., declare**

1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland, residing at 5 Gilbert Road, London, SE11 4NZ.
2. That I am well acquainted with the French and English languages.
3. That the attached is a true translation into the English language of the Request and Specification as filed of International Patent Application No. PCT/FR2004/001867.
4. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the patent application in the United States of America or any patent issuing thereon.

DECLARED THIS 10<sup>th</sup> DAY OF NOVEMBER 2005



**A P BROWN**